



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of April 28, 2006

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

1. Ratification of minutes of the March 22, 2006 meeting

2. Appeal of Denial of Certification/Adam Scharff

Adam Scharff is a candidate for the House of Representatives seeking public financing under the Maine Clean Election Act. He sent his qualifying contributions to the Commission by Federal Express on Saturday, April 15 in order to be delivered by the deadline of Tuesday, April 18. Because the candidate used the Commission's *mailing* address of 135 State House Station (rather than the Commission's *street* address of 242 State Street), the Commission received the qualifying contributions on Thursday, April 20, two days after the statutory deadline. The Commission staff believes an exception to the deadline should be granted by the Commission, not the staff. Mr. Scharff appeals the Commission staff's denial of his request for certification. *Staff recommendation: the staff recommends that the Commission reverse the staff denial and permit Mr. Scharff to participate in the Maine Clean Election Act.*

3. Unreported Expenditures by Cianbro in Support of Peter Cianchette

Ron Harwood, a former employee of the Cianbro Corporation, requested an investigation into whether Cianbro paid for labor and materials to assemble and install signs supporting Peter Cianchette's 2002 gubernatorial campaign. Mr. Cianchette has responded very cooperatively and states that the company spent more than \$68,608.87 in support of his campaign. *The staff analysis is included in a separate memorandum.*

4. Request for Advisory Opinion/Maine for Mills PAC

On February 15, 2006, Maine for Mills registered as a political action committee. On the registration form, the PAC listed only Peter Mills, candidate for Governor, under the heading of candidates supported by the PAC. The original name of the committee was BACK ON TRACK PAC.

During the week of April 3, the press began an inquiry into whether the PAC's very limited financial activities could be considered a contribution to Senator Mills' campaign. During that inquiry, Senator Mills consulted with the Commission staff regarding the relationship between independent PACs and candidates. He later suggested to Mr. Healy that the PAC should be terminated. Mr. Healy objects to the advice which the Commission director provided to Senator Mills and seeks an advisory opinion of the

Commission. To clarify the issues and provide further guidance to Mr. Healy, the Commission staff mailed a letter on April 22.

5. Request for Waiver of Late-Filing Penalty/Paul Volle

In 2005, the Legislature enacted a requirement that PACs file an updated registration form every two years by March 1st of the election year. The Commission proposed this statutory change to encourage up-to-date information about PACs filed at the Commission. A press investigation in 2004 highlighted that information on the registration forms for some PACs on file at the Commission was years old. The only penalty provided in the law for late registration by a PAC is \$250. This penalty was originally enacted with respect to a PAC's late initial registration.

Three PACs organized by Paul Volle (Ad Hoc Committee for Common Sense, Yes for Equal Rights, and Yes for Life) did not file the updated registration form by March 1. Mr. Volle requests a waiver of the penalty. *Staff recommendation: In keeping with the Commission's consideration of this issue at the March 22, 2006 meeting, the staff recommends assessing a penalty of \$100.*

6. Request for Waiver of Late-Filing Penalty/South Portland Coalition

The South Portland Coalition did not file the updated registration statement by March 1. Theresa Wiper requests a waiver of the penalty on behalf of the PAC. *Staff recommendation: the staff recommends assessing a penalty of \$100.*

7. Request for Waiver of Late-Filing Penalty/Don't Mortgage ME

Don't Mortgage Me is a PAC that terminated on April 10, 2006. It did not file the updated registration statement by March 1. Mike Byron requests a waiver of the penalty on behalf of the PAC. *Staff recommendation: the staff recommends assessing a penalty of \$100.*

8. Request for Waiver of Late-Filing Penalty/Richard Wurfel

Richard Wurfel is a registered lobbyist for the Professional Firefighters of Maine who has been working on a campaign regarding retirement benefits for police and firefighters. He did not file a monthly report due on March 15, 2006 on time. He requests a waiver of the \$100 penalty because of the very long hours he has been working on the campaign and because the deadline crept up on him. *Staff recommendation: the staff recommends assessing a penalty of \$100.*

9. Assessment of Late-Filing Penalty/Alvin Schulman

Alvin Schulman was a candidate for Portland City Council in the November 2005 general election. Candidates for municipal office in towns and cities with a population of more than 15,000 are subject to the same filing requirements as legislative and county candidates. Mr. Schulman did not initially file a post-election campaign finance report due December 20, 2005. The Portland City Clerk referred him as a non-filer to the Ethics Commission. He filed the report on March 21, 2006 only after he was put on the agenda of the Commission's March 22 meeting. Because the report contained no activity, the

maximum penalty that could be assessed is \$100. *Staff recommendation: the staff recommends assessing a penalty of \$100.*

10. Referral to Attorney General for Collection of Civil Penalty/Alfred Piombino

Alfred Piombino was a candidate for Register of Probate for Cumberland County in 2004. He filed the pre-general election and post-general election campaign finance reports late, and the preliminary penalty amounts totaled \$3,314.19. The Commission staff encouraged the candidate to request a waiver of the penalties, but the candidate advised the Commission in writing that he did not wish to ask for a waiver, and requested an opportunity to pay the penalties over time. Since only \$200 has been paid to date, the Commission recommends referring the unpaid penalties of \$3,114.19 to the Attorney General's Office for collection. The staff postponed this matter from previous meetings because Mr. Piombino expressed an interest in traveling to Augusta from New Jersey, where he now resides. *Staff recommendation: the Commission staff recommends referral of the unpaid penalties to the Attorney General for collection.*

11. Meeting Dates for May - August

The staff suggests selecting new meeting dates for the Commission through August.

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT